

PUBLIC MINUTES (January 21, 2015)

MEETING CALLED TO ORDER AT 9:08 AM

CHARLES FANARAS, PRESIDENT PRESIDING

MEMBERS PRESENT:

ROBERT STOUT

MIKE BULLEK

HELEN PERVANAS

GARY MERCHANT

JOHN GENOVESE

1—PUBLIC MINUTES FROM MEETING ON December 17th, 2014-- MOTION TO ACCEPT:

MOTION: Bullek SECOND: Merchant VOTE: 6-0

2—WENTWORTH DOUGLAS HOSPITAL EMPLOYEE PHARMACY:

Plans were presented on moving the outpatient pharmacy to a new location within the hospital. Opening of new pharmacy will be a few months away yet and the application was incomplete in a few places. The application was tabled until February meeting so a new application could be submitted. Dave Merriman and the PIC will not need to appear at the February meeting just submit the corrected application.

3—NH MED BANK-REQUEST FOR 60 DAY EXTENSION FOR INSPECTION DUE TO UNEXPECTED DELAYS:

Request for an extension was discussed for this charitable pharmacy. Motion was made to grant this 60 day extension.

MOTION: Bullek SECOND: Genovese VOTE: 6-0

4—PMP UPDATE

Michelle Ricco Jonas gave an update on her activity and updated challenges on getting information to all the licensees so they can register and use the HID website; She mentioned the link to the website will be put on the Board of Pharmacy website as well as other boards for ease of access for licensees; Discussed the cost involved in adding the security disclaimer to any page that would be printed for practitioners to evaluate a patient. Board authorized the cost. Presented first reports on those behind in uploading data, both current and historical. Board will discuss further when meets with advisory council later in the day

MOTION TO ACCEPT THE REPORT;

MOTION: Bullek SECOND: Genovese VOTE: 6-0

5—COMPLIANCE REPORT:

Chief Compliance Investigator Clifford presented her report to the Board. Discussed both the number of inspections finished this past month as well as an update on the compliance audit underway. The new version of the violation notice was also discussed.

MOTION TO ACCEPT REPORT:

MOTION: Genovese SECOND: Merchant VOTE: 6-0

6—DISCIPLINARY HEARING FOR DANIEL CALLAHAN, RPh

Daniel Callahan was present along with his Attorney Richard Fradette. Mr. Fradette presented his case for Mr. Callahan that the 2 errors cited by the Board in this case were honest, human errors and in no way implicated any negligence. Two professional witnesses were also called to testify. They presented evidence, be it somewhat dated on error rates as well as their causes and reasons why they happen. They also made the case that punishment for human errors is not productive and in fact can be destructive as then errors can go under reported. The Board's questions to Mr. Callahan were to better understand the process he used when checking prescriptions, his "4 point check" and whether these events have changed the way he practices. The Board had a number of questions relating to the way the patients were handled after discovery of the errors and questioned whether there were proper policies in place to mitigate any untoward events by properly dealing with and focusing on correcting the matter in a timely manner to meet the needs of the patient. The Board contested that in their opinion negligence may not always focus just on the error itself but in the aftermath of the event. A number of questions from the Board focused error regarding the losartan vs lovastatin and the difference in the white oblong image vs the round green tablet dispensed and whether this step was just missed due to human error or whether it was done at all. The hearing lasted over 3 hours. The Board has taken under consideration and will either vote via phone conference or at the February meeting.

7—COLLABORATIVE PRACTICE APPLICATION- MARYBETH LETOURNEAU:

The Board reviewed the application for this Anticoagulation Therapy Collaborative Practice agreement with LRGH. The application had information missing so was tabled. The Applicant will be asked to send in a completed application.

8—CAROL TIANI- REQUEST TO WAIVE TRANSCRIPT REQUIREMENT FOR RECIPROCAL LICENSURE:

Board discussed this request. The school transcript is and has always been a requirement for licensure. The Board feels this is still an expectation and presents no hardship to candidates to obtain.

MOTION TO DENY REQUEST:

MOTION: Merchant SECOND: Genovese VOTE: 6-0

9—NKEMDILLUM IFFIH- RECIPROCAL CANDIDATE WITH DISCIPLINE:

The Board reviewed Mr. Iffih's request for reciprocal licensure. Mr. Iffih has entered into 3 consecutive consent agreements that he has failed to comply with in his current state. Because of this lack of compliance the Board is not comfortable granting Mr. Iffih a license to practice in New Hampshire.

MOTION WAS MADE TO DENY MR IFFIH RECIPROCAL LICENSURE:

MOTION: Bullek SECOND: Merchant VOTE: 6-0

10—MICHAELLA BARTLEY- RECIPROCAL CANDIDATE WITH DISCIPLINE:

The Board reviewed Ms. Bartley's application for Reciprocal Licensure and found the reported discipline to be a minor violation that was addressed.

MOTION TO GRANT LICENSURE:

MOTION: Bullek SECOND: Genovese VOTE: 6-0

11—COLLABORATIVE PRACTICE LSR-2015-H-0420-R:

The hearing on the bill was on Monday January 19th and the Boards support of the bill was heard.

12—LANI DIXON- REQUEST FOR WAIVER OF PHARMACY INTERN FEE FOR RECENT TECHNICIAN REGISTRANT:

The Board considered this request but where the technician registrations expire in March and any registrant would either need a technician registration or intern registration for the rest of the year and the intern fee is less expensive the Board determined a waiver is inappropriate.

MOTION TO DENY WAIVER REQUEST:

MOTION: Bullek SECOND: Merchant VOTE: 5-0-1 (Genovese recused)

13—NEW IN-STATE PHARMACY APPLICATION-QOL MEDS, LLC LACONIA:

Application in order.

MOTION TO APPROVE LICENSE;

MOTION: Pervanas SECOND: Bullek VOTE: 6-0

14—POSSIBLE CHANGES TO JUS 1600 RULES:

Commissioner Pervanas discussed the challenges they have discussed regarding the recent DEA changes in the drug take back site allowances that were made this fall. This was an FYI conversation as the committee just wanted to update the Board as they continue exploratory work on any expansion of sites for drug take back.

15---NHPHP- SALLY GARHART AND DEEANE CHAPMAN:

Dr Garhart and Dee Chapman came before the Board to discuss some procedures and testing they now perform on referrals to their program and their policies and reporting procedure to the Board. They inquired about any outstanding candidates who may have practice agreements with the previous program, the Pharmassist Association. The Board will send a request to Mr. Kilkullen for any updates.

16---NH PHARMACISTS ASSOCIATION-RENEWAL OF CE PROVIDER STATUS:

Commissioner Pervanas reported the CEAC committee has endorsed the approval of the NHPA continuing as in state providers for CE programs for NH pharmacists.

MOTION TO RENEW IN STATE PROVIDER STATUS TO NHPA:

MOTION: Bullek SECOND: Genovese VOTE: 6-0

17---RIVIEW OF HANNAFORD TO GO PROGRAM:

Hannaford representatives presented a new program their company is sponsoring where customers who have bought their groceries on line and pull up to store to have groceries put in their cars will have an option to have their prescription brought out as well. They reviewed how the request is made, counselling is provided and security of the prescription is maintained

through the pickup process. The board asked questions and could not see that there were any conflicts with existing rules. They asked Hannaford to consider this a pilot program and asked that they reappear before the board to discuss the success or issues they come across as they role this program out.

MOTION TO APPROVE THE PROGRAM AS A PILOT PROGRAM AND REVISIT WITH COMPANY REPRESENTATIVES IN A FEW MONTHS:

MOTION: Merchant

SECOND: Genovese

VOTE: 5-0-1 (Stout recused)

18---HANNAFORD REQUEST FOR INTERPRETATION OF MEAL BREAK POLICY:

The request for clarification concerned whether a pharmacist could leave technicians and interns in the pharmacy department working through lunch if he/she went out to their car in the parking lot and were available by cell phone. The Board explained they are clarifying this as the 700ss are updated and that leaving the building to go to the parking lot would be a violation of the meal break policy, the intent of the word in the premises meant in the building. The Board discussed that there are places in many buildings quite far removed from the pharmacy department and PICs should be aware of their responsibilities to maintain security of the department and if they are concerned should close the department for lunch.

NO MOTION OR VOTE NECESSARY

19--- REQUEST TO PUBLISH PRACTITIONER'S PHARMACY GUIDE ON BOARD WEBSITE:

This request was brought by Janet Monohan so practitioners could access this document for clarification on many issues that have occurred during recent inspections. The information will be very helpful to practitioners in clarifying their responsibilities.

MOTION TO POST GUIDE TO WEBSITE:

MOTION: Bullek

SECOND: Merchant

VOTE: 6-0

20--- REVIEW NEW LRDD APPLICATION WITH DEFICIENCY FINDINGS FROM ACGC-OCEAN HOME HEALTH SUPPLY

The Board reviewed application and found the deficiencies to be minor and nothing that would lead the Board to not issue a license.

MOTION TO APPROVE LRDD APPLICATION:

MOTION: Bullek

SECOND: Merchant

VOTE: 6-0

21--- REVIEW OF NEW LRDD APPLICATION WITH DISCIPLINE – OWENS AND MINOR DISTRIBUTION

The Board reviewed application and the discipline was not related to any patient safety or important rule violation.

MOTION TO APPROVE LICENSE:

MOTION: Bullek

SECOND: Genovese

VOTE: 6-0

22--- REVIEW OF NEW NR STERILE COMPOUNDER-STERILE COMPOUNDING PHARMACY, LLC

This application was tabled as incomplete. Board will request the documentation needed to approve sterile compounder as it was not supplied with this application.

23---- REVIEW OF NEW NR PHARMACY APPLICATION WITH INSPECTION DEFICIENCY FINDINGS-STONEY CREEK PHARMACY

The Board will request further information from applicant regarding their practice type and if compounding need further information before approving. Tabled.

24---- REVIEW OF NEW NR STERILE COMPOUND PHARMACY- TOTAL VEIN PHARMACY

The Board again did not have adequate information with this application to make a proper decision on licensing. Applicant will need to submit additional information before being considered. Tabled

25--- REVIEW OF NEW PHARMACY TECHNICIAN APPLICATION WITH DISCIPLINE—TARA AVERY

The Board reviewed application and the record of discipline and on moral character clause decided to deny this applicant.

MOTION TO DENY REGISTRATION:

MOTION: Merchant

SECOND: Bullek

VOTE: 6-0

26--- REVIEW OF PHARMACIST RENEWAL APPLICATION WITH DISCIPLINE—JOHN BOSTON

The Board reviewed application and the pending discipline for Mr. Boston. A motion was made by Commissioner Bullek and seconded by Commissioner Genovese to approve the application. After discussion on the pending action against Mr. Boston the Motion was withdrawn. This application is tabled until a decision on the pending action against Mr. Boston is provided.

27--- REVIEW OF PHARMACIST RENEWAL APPLICATION WITH DISCIPLINE—PAUL CORRADO

The Board reviewed application and the reported discipline.

MOTION TO RENEW LICENSE:

MOTION: Stout

SECOND: Merchant

VOTE: 6-0

28--- REVIEW OF PHARMACIST RENEWAL APPLICATION WITH DISCIPLINE—JEAN DUNKERLEY

The Board reviewed the application with discipline and had some concerns but they did not elevate to the degree of not renewing the license.

MOTION TO RENEW LICENSE :

MOTION: Merchant

SECOND: Bullek

VOTE: 6-0

29--- REVIEW OF PHARMACIST RENEWAL APPLICATION WITH DISCIPLINE—RALPH LUCIANO

The Board reviewed application and attached discipline. The discipline reported was not substantial enough to warrant non-renewal of License.

MOTION TO APPROVE RENEWAL:

MOTION: Stout

SECOND: bullek

VOTE: 6-0

FYI ITEMS ALL REVIEWED.

Addendum to agenda: REVIEW OF REQUEST BY ELLIOT HOSPITAL TO SUPPLY SERVICES FOR NORTHEAST REHAB LOCATED WITHIN THE HOSPITAL:

The Board discussed the logistics and service that Elliot will be providing.

MOTION TO APPROVE REQUEST:

MOTION: Merchant

SECOND: Bullek

VOTE: 6-0

MOTION TO ADJOURN MADE AT 3:22pm

MOTION: Bullek

SECOND: Merchant

VOTE: 6-0

Respectfully,

Robert J Stout